

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED

JAN 08 2020

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
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UNITED STATES OF AMERICA,

Plaintiff,

-vs-

SCOTT O'BRIAN BEAL,
a/k/a Scott Obrian Beal,
a/k/a Scot Beal, and
TAMMIE ROCHELL BEAL,
a/k/a Tammie Walker Beal,

Defendants.

No. **CR 20-007 HE**

Violations: 18 U.S.C. § 371
18 U.S.C. § 2320(a)
18 U.S.C. § 2
18 U.S.C. § 2323

INDICTMENT

The Federal Grand Jury charges:

COUNT 1

(Conspiracy to Traffic in Counterfeit Goods)

On or before December 15, 2017, and continuing until on or about November 2, 2018, in the Western District of Oklahoma,

----- SCOTT O'BRIAN BEAL,
a/k/a Scott Obrian Beal,
a/k/a Scot Beal, and
TAMMIE ROCHELL BEAL,
a/k/a Tammie Walker Beal, -----

knowingly, intentionally, and with interdependence, combined, conspired, confederated, and agreed to traffic and attempt to traffic in goods, namely pharmaceutical drugs, and to knowingly use counterfeit marks on and in connection with such goods which counterfeit

marks were identical with and substantially indistinguishable from the genuine marks in use and registered for those goods on the principal register in the United States Patent and Trademark Office, and the use of which marks were likely to cause confusion, mistake, and deception regarding said marks, in violation of Title 18, United States Code, Section 2320(a).

Objective of the Conspiracy

The object of the conspiracy was for the defendants to enrich themselves unlawfully by using Tianeptine sodium for the purpose of manufacturing and trafficking counterfeit drugs that bore trademarks associated with Watson Laboratories, Endo Pharmaceuticals Inc., and Alvogen Inc., without the authorization of the manufacturers of the drugs and thereafter selling the counterfeit drugs to the public.

Overt Acts

In furtherance of and to accomplish the objective of the conspiracy, **SCOTT O'BRIAN BEAL** and **TAMMIE ROCHELL BEAL** did commit, and cause to be committed, the following overt acts, among others:

1. On or about December 15, 2017, **SCOTT O'BRIAN BEAL** possessed a package containing more than 500 grams of Tianeptine sodium.
2. On or about October 31, 2018, **SCOTT O'BRIAN BEAL** possessed approximately \$4,940.00 in U.S. currency.
3. From on or about October 31, 2018, until on or about November 1, 2018, **SCOTT O'BRIAN BEAL** and **TAMMIE ROCHELL BEAL** possessed six Ziploc

baggies, which cumulatively weighed more than 2,000 grams, containing pills bearing the “Watson 853” imprint.

4. On or about November 1, 2018, **SCOTT O’BRIAN BEAL** and **TAMMIE ROCHELL BEAL** possessed five pill presses for the purpose of manufacturing and trafficking counterfeit drugs.

5. On or about November 1, 2018, **SCOTT O’BRIAN BEAL** and **TAMMIE ROCHELL BEAL** possessed two pill tumblers for the purpose of manufacturing and trafficking counterfeit drugs.

6. On or about November 1, 2018, **SCOTT O’BRIAN BEAL** and **TAMMIE ROCHELL BEAL** possessed more than 400 pills bearing the “Watson” imprint. The “Watson” imprint is a trademark of Watson Laboratories, Inc.

7. On or about November 1, 2018, **SCOTT O’BRIAN BEAL** and **TAMMIE ROCHELL BEAL** possessed more than 300 pills bearing the PERCOCET imprint. PERCOCET is a registered trademark of Endo Pharmaceuticals.

All in violation of Title 18, United States Code, Section 371.

COUNT 2
(Trafficking in Counterfeit Goods)

On or about October 31, 2018, in the Western District of Oklahoma,

----- **SCOTT O'BRIAN BEAL,**
 a/k/a Scott Obrian Beal,
 a/k/a Scot Beal, and
 TAMMIE ROCHELL BEAL,
 a/k/a Tammie Walker Beal, -----

intentionally trafficked and attempted to traffic in goods, namely pharmaceutical drugs, and knowingly used counterfeit marks on and in connection with such goods, that is, the "Watson" mark used to identify a pharmaceutical product marketed by Watson Laboratories, Inc., which counterfeit mark was identical with and substantially indistinguishable from the genuine mark in use and owned for that good and the use of which mark was likely to cause confusion, mistake, and deception regarding said mark.

All in violation of Title 18, United States Code, Section 2320(a), the penalty for which is found at Title 18, United States Code, Section 2320(b)(3), and Title 18, United States Code, Section 2.

COUNT 3
(Trafficking in Counterfeit Goods)

On or about November 1, 2018, in the Western District of Oklahoma,

----- **SCOTT O'BRIAN BEAL,**
 a/k/a Scott Obrian Beal,
 a/k/a Scot Beal, and
 TAMMIE ROCHELL BEAL,
 a/k/a Tammie Walker Beal, -----

did intentionally traffic and attempt to traffic in goods, namely pharmaceutical drugs, and knowingly used counterfeit marks on and in connection with such goods, that is, the

“Watson” trademark used to identify a pharmaceutical product marketed by Watson Laboratories, Inc., which counterfeit mark was identical with and substantially indistinguishable from the genuine mark in use and owned for that good and the use of which mark was likely to cause confusion, mistake, and deception regarding said mark.

All in violation of Title 18, United States Code, Section 2320(a), the penalty for which is found at Title 18, United States Code, Section 2320(b)(3), and Title 18, United States Code, Section 2.

COUNT 4
(Trafficking in Counterfeit Goods)

On or about November 1, 2018, in the Western District of Oklahoma,

----- **SCOTT O'BRIAN BEAL,**
 a/k/a Scott Obrian Beal,
 a/k/a Scot Beal, and
 TAMMIE ROCHELL BEAL,
 a/k/a Tammie Walker Beal, -----

did intentionally traffic and attempt to traffic in goods, namely pharmaceutical drugs, and knowingly used counterfeit marks on and in connection with such goods, that is, the PERCOCET trademark used to identify a pharmaceutical product marketed by Endo Pharmaceuticals Inc., which counterfeit mark was identical with and substantially indistinguishable from the genuine mark in use and registered for that good on the principal register in the United States Patent and Trademark Office, and the use of which mark was likely to cause confusion, mistake, and deception regarding said mark.

All in violation of Title 18, United States Code, Section 2320(a), the penalty for which is found at Title 18, United States Code, Section 2320(b)(3), and Title 18, United States Code, Section 2.

FORFEITURE

The allegations contained in this Indictment are hereby re-alleged and incorporated for the purpose of alleging forfeiture.

Upon conviction of any of the offenses set forth in Counts 1-4 of this Indictment, Defendants **SCOTT O'BRIAN BEAL** and **TAMMIE ROCHELL BEAL** shall forfeit any article, the making or trafficking of which is, prohibited under 18 U.S.C. § 2320.

Upon conviction of any of the offenses set forth in Counts 1-4 of this Indictment, Defendants **SCOTT O'BRIAN BEAL** and **TAMMIE ROCHELL BEAL** shall forfeit any and all property used, or intended to be used, in any manner or part to commit or facilitate the violation of 18 U.S.C. § 2320.

Upon conviction of any of the offenses set forth in Counts 1-4 of this Indictment, Defendants **SCOTT O'BRIAN BEAL** and **TAMMIE ROCHELL BEAL** shall forfeit any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of 18 U.S.C. § 2320.

The property subject to forfeiture includes, but is not limited to:

1. \$1,182.00 in U.S. currency;
2. \$4,940.00 in U.S. currency;
3. \$21,035.00 in U.S. currency;
4. \$4,165.10 in U.S. currency;

5. \$124,980.00 in U.S. currency;
6. digital scales;
7. pill presses; and
8. pill tumblers.

All in violation of Title 18, United States Code, Section 2323.

A TRUE BILL:

Y/Brenda H Dorsey

FOREPERSON OF THE GRAND JURY

TIMOTHY J. DOWNING
United States Attorney

Wilson D. McGarry

WILSON D. McCARRY
Assistant United States Attorney